



PUBLIC NOTICE

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WIRELESS TELECOMMUNICATIONS BUREAU
MOBILITY DIVISION
APPROVES WITHDRAWAL OF PLEADINGS AND
CONSENTS TO ASSIGNMENT OF PARTITIONED LICENSES

File No. 0001158862

By this Public Notice, the Mobility Division of the Wireless Telecommunications Bureau accepts the November 19, 2004 Texas License Consultants (TLC) Request for Withdrawal of Pleadings (TLC Request) and the March 19, 2004 Warren C. Havens (Havens) Request To Withdraw Pleadings (Havens Request), and dismisses with prejudice the petition to deny filed by Havens with respect to the application for assignment of partitioned licenses from the Chapter 7 Estate of Net Radio Group Communications, LLC to TLC, FCC File No. 0001158862.

The above-referenced application was initially submitted to the Commission on January 23, 2003, proposing the assignment of partitioned licenses from Net Radio Group, LLC (NRG) to TLC. Havens submitted a petition to deny against the referenced application on February 28, 2003. TLC submitted responsive pleadings on March 13 and April 1, 2003, and January 1, 2004. An Order for Relief was entered by the United States Bankruptcy Court for the District of Columbia (Case No. 03-13532 (MFW)) declaring NRG a bankrupt entity under Chapter 7 of the U.S. Bankruptcy Code. NRG submitted an application to the Commission to notify it of the involuntary assignment of the licenses held by NRG to the Chapter 7 Estate of NRG (*see* FCC File No. 0001665191). On March 19, 2004, the Bankruptcy Court entered an Order approving the transaction. On the same day, Havens submitted his request to withdraw his petition to deny and related pleadings. TLC subsequently withdrew its pleadings to permit the Commission to act on the underlying assignment application.

The Mobility Division has reviewed the TLC Request and Havens Request, and finds that they raise no substantial or material questions of fact under Section 309(d) of the Communications Act of 1934, as amended, 47 U.S.C. § 309(d). Accordingly, pursuant to Sections 0.331 and 1.935 of the Commission's rules, 47 C.F.R. §§ 0.331 and 1.935, and based on the statements contained in the TLC Request and Havens Request, the Mobility Division hereby approves the withdrawal of, and dismisses with prejudice, the Havens Petition to Deny filed on February 28, 2003, with respect to the above-referenced assignment application. All other pleadings filed in this matter are hereby deemed moot and also dismissed. The Mobility Division hereby consents to application File No. 0001158862.

Action by the Deputy Chief, Mobility Division.

FOR FURTHER INFORMATION, CONTACT: Katherine M. Harris, Deputy Chief, Mobility Division, at (202) 418-0609 or Kathy.Harris@fcc.gov.